

SIPRE Project
Strengthening Intellectual Property Rights in Egypt

TRAINING PLAN
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Nathan Associates, Inc.
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Background

The goal of the SIPRE Project is to develop stronger and more effective intellectual property protection in Egypt. A strong intellectual property system requires well-trained personnel to apply and administer its intellectual property laws. A 1994 study of Egypt's industrial property system (Goans et al., Intellectual Property Rights in Egypt: An Institutional Assessment, A.I.D. Contract No. AEP-5451-1-00-2058-00, Delivery Order No. 14, July 1994) found that the employees of the industrial property offices (Patent Office, Trademark Office, and Industrial Designs Office) did not understand key elements of their jobs and needed effective training programs to enable them to carry out their duties effectively and efficiently. A key focus of this Project is therefore to provide training to equip those employees with the skills needed to carry out their duties in an effective manner.

Although the major emphasis of this Project's training activity will be to provide training for industrial property office employees, it is anticipated that some training will also be provided to other persons who are involved in the administration of the intellectual property laws. These include judges, customs officials, and others with responsibilities for enforcement of intellectual property rights; agents, attorneys, and experts who serve in the industrial property offices and the courts; and academics who are responsible for training the persons from whose ranks these individuals are drawn.

Training Needs Assessment

Project staff interviewed each employee of all three industrial property offices in order to determine their current level of competence and their need for additional training. Based on the results of the 1994 study, it was expected that training would be needed in three basic areas: foreign language, especially English; the use of modern office equipment, particularly computers; and principles of industrial property examination. Employees were provided with a questionnaire designed to elicit basic identifying information and prior training (both formal and informal) in pertinent areas. Interviews were conducted privately with each employee in order to obtain a candid assessment of the value of prior training activities and the employee's interest in

pursuing additional training. For those employees who indicated some proficiency in English, one element of the interview was a brief conversation in English. Finally, Project staff identified employees whose duties require some proficiency in English. This identification was made using a variety of sources, including experience of Project staff (two of whom have substantial experience as managers in the industrial property offices), information elicited in the interviews about the employee's duties, and information obtained from current industrial property office managers.

The training needs assessment confirmed findings of the 1994 study that employees of the Patent Office have received a great deal of training on technical matters such as patent examination and documentation, while employees of the Industrial Designs Office and Trademark Office have received virtually no such training. The assessment also confirmed that the English-language skills of Trademark and Industrial Designs Office employees are so limited as to interfere with the performance of their duties. The results of the training needs assessment are set out more fully in the Appendix.

First-Year Training Priorities

English-language training was identified as the first priority of the Project

- to facilitate later training;
- to improve efficiency; and
- to improve the quality of examination.

The initial efforts of the Project will principally be directed toward improvements in the Trademark Office, which has the most pressing needs for improvement. In many cases, trademark applications and related documents include non-Arabic words and symbols. At present, individuals who examine trademark applications for formalities have difficulty reading standard, English-language documents. As a result, examiners refuse trademark applications based on inconsequential changes of spelling and grant registration on the basis of incorrect meanings or pronunciation. The examination process is exceedingly slow and cumbersome because employees lack the proficiency to look up English-language words from standard reference works. To some extent, the same problems exist with respect to marks and documents written in other languages, but English-language training has been identified as the greatest and most urgent need.

In addition to training in the English language, Trademark Office and Industrial Designs Office employees will need training in the use of modern office equipment as such equipment is made available. In general, training on new equipment is expected to be provided by the supplier of that equipment. Since the delivery of such equipment is dependent on the completion by the Government of Egypt (GOE) of improvements in the facilities in which those offices are located, some training will be provided in the Trademark Office on existing equipment and in Project offices or at other locations on new equipment destined for the industrial property offices.

Training in substantive aspects of industrial property is also urgently needed. Currently,

Trademark Office employees lack a clear understanding of legal principles of trademark examination. This results in a lack of transparency, as employees attempt to exercise their own personal judgment without guidelines to follow. A major effort of the Project will be the development of guidelines for trademark examination. Until these guidelines are developed and accepted, it will not be possible to prepare training materials or conduct a comprehensive training program on substantive examination. Consequently, first-year training efforts will concentrate on mini-courses on specific topics of industrial property and law.

While the principal priority in training will be the development of Trademark Office employee skills during the first year of the Project, the Project will also provide some training on specific topics for the employees of the other industrial property offices and for other persons involved in intellectual property activities. These activities will include seminars and a conference to educate policy makers and potential users of the intellectual property system and build public support for legal reforms.

English-language training

Year 1:

The Project will offer training to approximately 130 persons from the Patent Office, Trademark Office, and the Industrial Designs Office. These individuals were identified in the training assessment as presently having duties that require the use of English. In a few cases, training will also be offered to individuals whose current duties do not necessarily require the use of English at present but who are expected to need some English-language proficiency within the life of the Project.

Training in English will be offered at the GOE's Armed Forces Language Institute (AFLI). The AFLI was selected after an extensive survey of the facilities available for English-language training. Project staff contacted every English-language school that they were able to identify, and the AFLI was selected from a final list of the best English-language training facilities in the Cairo area. A copy of that final list is attached at page 1 of the Appendix.

Initially, each candidate for English-language training will be tested to determine his or her level of proficiency. The cost of testing is 5 L.E. per person.

Most of the individuals selected for English-language training are expected to be placed at level 5 or below (and chiefly at level 1 or 2) on the AFLI's 12-level scale. The Project will pay for enrollment for one term for each of the employees selected for this training. Upon successful completion of each term, the Project will pay for a succeeding term until the trainee reaches level 12 or the conclusion of the Project, whichever comes first.

Individuals who participate in the English-language training will be enrolled in regularly-scheduled terms of the AFLI. AFLI classes meet three times per week, for periods of three hours

each, after normal GOE working hours. Three terms of about two months' duration are scheduled to begin before the end of the first year of the Project: November 2, 1996 - January 9, 1997; February 15, 1997 - April 24, 1997; May 10, 1997 - July 17, 1997. The cost to enroll each employee in one term of the training course is 90 L.E.

A list of the Project's nominees is provided at pages 2 - 7 and 11 of the Appendix. The list of actual participants will depend on the approval of the pertinent offices as well as the willingness of the employees to participate. The Project surveyed the industrial property office staff as to their likelihood of participation, and it is expected that approximately one-half of the nominees will actually participate in the initial term.

Three-year training:

The Project will offer the opportunity to participate in English-language training to qualified employees who want to participate, with the approval of their respective offices. It is understood that some employees may be unable or unwilling to enroll in a particular term. The Project will continue to offer this training opportunity to qualified employees (i.e., employees who have not achieved level 12 on the AFLI scale, who need English language to perform their current or anticipated duties, and who are enrolling in a first course under the Project or who have successfully completed the preceding course) for the life of the Project. This will permit new employees to participate in the training, as well as allowing employees who are not able to take part in the first training session to begin to participate at a later time. Over the course of the Project, it is expected that a few employees may reach level 12 on the AFLI scale.

In view of the low level of pay of industrial property office employees and the fact that this training is being offered outside normal working hours, some adjustments may be required over the course of the Project if the level of participation is not sufficient. In some cases, second jobs, the cost of transportation, and classes during late hours and darkness may pose impediments to employees who wish to participate in the training program. The Project believes that the GOE may consider it advisable to provide incentives to achieve the desired objective of maximum participation in this training activity.

Other English-language training activities:

In addition to offering organized training courses in the English language, the Project will provide training on specialized English terms and continuing education activities to support the efforts of employees who are studying English. Project staff have identified several areas in which specialized training would be of immediate use. Beginning in the first year, Project staff will design and conduct a series of mini-courses to provide employees with a knowledge of Arabic and English equivalents for terms which are in common use in the industrial property offices. One of the mini-courses will result in a translation into Arabic of forms which are available only in English but are routinely used by the Industrial Designs Office staff, who are not proficient in English and therefore perform their duties in a rote manner.

Employees who study English or any other foreign language need opportunities to use their new knowledge in order to maximize their retention and facility with that language. The Project will organize a seminar series and discussion group where employees can meet outside work hours to hear English-language lectures on topics of interest and hold discussions in English about those topics. While some of the topics will be oriented toward industrial property, other topics will be covered as well in order to assure both that the series reflects the interests of its participants and also to expand the breadth of the employees' vocabularies. The Project will make a conference room available for this purpose and provide such support as may be needed. It is hoped that this group will become independent and self-sustaining by the end of the Project.

Other training activities will also be conducted which will both improve employees' knowledge of English and also contribute to their understanding of substantive intellectual property issues. These are discussed below under Intellectual Property Training.

Other foreign language training

Employees of the industrial property offices have some need for training in other languages. Employees in the international section of the Industrial Designs Office handle French-language correspondence with the International Bureau in Geneva as part of Egypt's participation under the Madrid Agreement. A list of these employees is provided at page 8 of the Appendix. English-language training has been identified as the most pressing need of industrial property office employees. In view of the difficulty of attempting to learn more than one language at a time, and to avoid diverting students from participation in training in English, the Project will offer French-language training to a small number of employees beginning late in Year 2.

While English and French are the languages where training is needed for all three industrial property offices, some training in other foreign languages would also be beneficial to employees of the Patent Office. These employees are called on to evaluate patent applications filed in a number of foreign languages, most often including English, French, German, Russian, and Japanese. Also beginning late in Year 2 of the Project, the Project will consider offering the opportunity to study German, Russian or Japanese and possibly other foreign languages to a small number of employees in the Patent Office. Whether such training will be offered will depend not only on the level of interest of Patent Office employees but also on whether suitable and cost-effective training programs can be identified. The Project will seek cooperation with assistance activities of other countries in order to identify such programs.

Substantive training in industrial property

Industrial property training is needed for employees of all three industrial property offices. Generally, this type of training emphasizes instruction in the application of technical, legal rules for the examination of marks, industrial designs, and patent applications. Since Egypt does not have such rules, the Project will develop guidelines for the examination of marks, patent

applications, and industrial designs. Until such guidelines are developed and, preferably, adopted by the Ministries, it will not be possible to undertake the major part of substantive training in industrial property.

Year 1:

In the first year of the Project, the Project will design and conduct a series of mini-courses on various subjects related to the activities of the industrial property offices. These mini-courses will address practical issues of industrial property facing employees on a day-to-day basis as well as such subjects as Egyptian intellectual property law and international standards of intellectual property protection. These mini-courses will principally address issues of trademark and industrial designs law and practice. Since employees of the Trademark and Industrial Designs Offices have had essentially no substantive training, these mini-courses will serve as a vehicle to introduce the employees to concepts in intellectual property law and practice, as well as offering opportunities for employees to become more proficient in English and in the performance of their current duties.

It is anticipated that mini-courses will be arranged around such topics as the following:

- Classification of Marks
- Classification Manual for Industrial Designs
- Forms used in the examination of industrial designs
- Requirements of Industrial Property Treaties to which Egypt is a party
- Geographical Designations
- "Formalities" related to American companies

The mini-courses will principally be designed and conducted by the Project's full-time industrial property staff, but other persons may provide lectures from time to time. Courses will typically emphasize some very practical aspect of the examination of trademarks and industrial designs with a secondary purpose of developing an understanding of the importance of industrial property in assisting in Egypt's economic development.

One of the first major activities of the Project in the area of legal assistance will be the development of a set of guidelines for the examination of marks. This effort is expected to require several weeks to months of effort on the part of the industrial property staff, in addition to participation by the COP and various consultants. When these guidelines are available, the Project will design a training program on the application of these guidelines. Training is projected to begin in the last quarter of Year 1, provided that guidelines are accepted by the end of the third quarter.

It is not anticipated that guidelines would be completed for industrial designs or patents during the first year, as changes are required in the legal regime before it would be appropriate to provide such guidelines. In the event that these legal reforms are carried out within the first year

of the Project, some consideration would be given to accelerating the development of guidelines and training materials for patents. Patent Office employees have received a significant amount of training on substantive issues of patent law and practice, such as documentation and examination, and the Project has no plans to provide those employees with the sort of remedial training that will be offered through the mini-courses (although the Project would have no objection if Patent Office employees wished to take part in the mini-courses). Depending on the progress of the proposed patent law and its perceived likelihood of enactment during the first year of the Project, training for Patent Office employees will be offered to a limited extent in those areas where such training is needed in order to permit the Patent Office to carry out its duties under the proposed patent law.

Three-year training:

Over the life of the Project, training will be offered to employees of all three industrial property offices on the application of guidelines for the examination of marks, industrial designs, or patents, as appropriate. The content of this training will depend on the enactment of needed legal reforms: a WTO-consistent patent law and guidelines based thereon; trademark guidelines; and a modern industrial designs law and guidelines based thereon. If these legal reforms can be accomplished early in the life of the Project, training will be offered to industrial property office employees on the application of the law and guidelines. If these legal reforms are not adopted early in the life of the Project, the Project will develop a model law consistent with international norms and devise training materials based on the model law.

Obviously, it would be preferable to have training that is directly applicable to the work that employees actually perform. In particular, such training would include more emphasis on procedural matters, which are often difficult for employees to understand and address in a manner that serves both the principles of the law and the interests of users of the system. However, political considerations may affect the ability of the GOE to adopt certain reforms in a timely manner, and training in examination under a WTO-consistent industrial property law would assist employees in carrying out their duties when such a law is eventually enacted.

In the case of the Patent Office, the Project may also offer training on topics that would help to make the Egyptian Patent Office ready to work under a new law, such as the examination of patent applications for pharmaceutical products. In the case of the Industrial Designs Office, it is anticipated that reforms would be phased in, so that training would be required in two stages, one to accommodate the move to a system that provides for the laying open or publication of industrial designs, and a second to accommodate enactment of legislation that includes examination of industrial designs.

Some of the topics for which training is proposed are technical and complex. The Project is committed to finding instructors who are well-versed in their subjects. In some cases, there is a relatively small set of individuals who possess the needed skills at a level satisfactory to the Project. Consequently, many lectures will need to be provided in English. The Project will

translate all training materials into Arabic and will arrange for interpretation where needed. Where possible, curriculum materials will be drawn from actual industrial property files. In the event that Egypt elects to offer "pipeline" protection for pharmaceutical products, the Project will develop training materials from those files, which provide a remarkable opportunity to obtain complete patent file histories for cutting-edge technology. In addition, the Project will create re-usable training materials where feasible, at least for those topics where the needed expertise is relatively rare, for use in future training sessions. The development of such materials is subject to obtaining USAID approval where required.

Training on the use of modern office equipment

Employees of the Patent Office have reasonable familiarity with the use of modern office equipment, at least at a level that enables them to use such equipment to carry out their present duties. Employees of the Trademark Office and the Industrial Designs Office have limited access to such equipment and little or no familiarity with it in most cases. In the Trademark Office, employees have access to a computer provided under the auspices of the World Intellectual Property Organization for use in searching marks. Only a few persons currently have training in the use of such equipment or need it at present. It is anticipated that the Project will make recommendations to streamline the examination process, and if the Trademark Office adopts these recommendations, more persons will require training on the use of this equipment.

In general, training on the use of modern office equipment will be offered as the need arises. In most cases, training on the equipment itself will be provided by the suppliers (or arranged through the suppliers). The Project will augment this type of training with additional training on particular applications of the equipment for industrial property purposes. Where appropriate, training on equipment will also include training on the use of particular types of software applications. The precise types of training that will be offered will be determined in part by recommendations in an automation plan that will be developed for the Project.

Year 1:

In the second quarter, the Project will offer training on the use of electric typewriters that have been secured for the use of the Trademark and Industrial Designs Offices. This training will be offered to employees whose current duties involve typing or whose duties are expected to include typing. As additional items are secured for the use of the Project, similar training will be made available. In many cases, training will be offered in the Project Offices, and the items delivered thereafter, possibly followed by training by the vendors after the equipment is installed.

The most extensive area for training will be on the use of equipment such as scanners, fax machines, and computers for use in the modernization of the Trademark Office and Industrial Designs Office. The Project expects to undertake this modernization effort, and therefore the training that would be required to enable employees to take part in the modernization effort, during the last half of the first year. Whether it will be possible to undertake such an effort at

that time will largely depend on whether it is possible to secure the Ministry's cooperation and arrange for improvements to the facilities and delivery of the equipment during that time frame.

Three-year training:

Once the modernization of the Trademark Office and Industrial Designs Office has begun, additional training will be needed to enable employees to use the new system for examination and file maintenance. Employees will be trained in recording and retrieving information, and it is anticipated that special courses will be provided for a limited number of employees in word processing and the use of other computer programs. The Project will request assistance from the U.S. Patent and Trademark Office both to provide access to data base retrieval systems, such as TRAM and T-search, for the use of the Egyptian industrial property offices, and also to provide training on the use of automated systems for search and data storage and retrieval. This effort is expected to take place over approximately a two-year period.

Depending on whether the GOE adopts a patent law that is WTO-consistent and calls for examination for novelty and obviousness, the Project may procure a data base of U.S. patents for use as part of the Egyptian Patent Office's documentation section. If such a data base is secured, the Project will arrange for additional training in the use of that data base.

Participant training:

The Project has limited plans for participant training. Patent Office employees have already received a great deal of participant training, and no additional participant training is needed for those employees at this time. Employees of the Trademark and Industrial Designs Offices will generally not be in a position to benefit from participant training until they have completed more training in English and have some basic training in the examination of marks or designs under their own system.

It is anticipated that a small number of employees of the Trademark and Industrial Designs Offices may be ready for participant training as early as the second year of the Project. If so, and subject to the availability of funds for that purpose and the availability of suitable training programs, the Project would consider sending one or two of the more advanced and capable examiners for training in the United States Patent and Trademark Office's Visiting Scholars Program or a similar program under the auspices of the World Intellectual Property Organization or other industrial property office. However, most Project funds available for participant training will be devoted to special study missions to assist industrial property office managers in the development and application of improved management techniques in those offices.

Training for Other Persons

While the emphasis of the Project will be training for employees of the industrial property offices, some training is needed for other persons who are involved in the administration of

Egypt's intellectual property laws. These persons include attorneys and industrial property agents, judges, and court experts. Some degree of familiarity with intellectual property concepts is also needed by users of the intellectual property system, such as business and industry, scientists and inventors, authors and performers, and by the academic sector. In general, the Project will seek cooperation with other organizations in order to be able to develop and provide training for such persons.

Year 1:

In the last quarter of the first year, the Project will organize a conference for businesses, attorneys and agents, and the general public on the topic of intellectual property and business development.

In addition, Project staff will prepare a series of papers on various topics related to standards of intellectual property protection. These papers will form the basis for seminars and public appearances before bar associations and trade groups and in academic settings.

Three-year training:

As guidelines are adopted by the various agencies, the Project will begin to develop further guidelines for use by judges and court experts in deciding intellectual property cases. As those enforcement guidelines are adopted, the Project will develop training programs for attorneys and industrial property agents, judges, and court experts. The Project will coordinate with the Ministry of Justice on training for judges and experts and with various bar associations on training for agents and attorneys. The timing of such training will depend in large part on whether guidelines are adopted by the various ministries in time to allow Project staff to prepare training materials and schedule training sessions, as well as on the interest of the Ministry of Justice in such a program.

Project staff will continue to present a conference in each year of the Project on such topics as strategies in intellectual property enforcement and, if a modern, WTO-compliant patent law is adopted, on the use of technical resources in the Patent Office as a valuable library of technical information. Experts on pertinent topics will participate in these conferences.

Training Assistance

The principal emphasis of training activities is the direct provision of training to participants, whether industrial property office employees or agents, judges, or experts. In some cases, the goals of the Project can be better achieved by assisting others in the development of training materials. Upon request, Project staff will assist representatives of the ministries in the preparation of lectures and informational materials which those officials may wish to use to educate their own staff and the relevant public. As noted above, the Project intends to develop re-usable training materials on a variety of topics related to the substantive examination of industrial property. Copies of these re-usable materials will be made available to the industrial property office(s) for future training needs. Where appropriate, such materials, or edited versions

of these materials, may also be made available to other entities involved in providing education in the area of intellectual property.

Throughout the Project, resources will be made available to encourage the development of local training programs in intellectual property. Project staff will be available to give lectures on various intellectual property topics and will assist, as time permits, in the development of a suitable intellectual property curriculum for use by law schools and universities. Project staff will also make themselves available to provide such lectures for bar associations and similar organizations on an ad hoc basis.

Training of Trainers

Part of the overall philosophy of this Project is the need to provide assistance which will, at a minimum, be sustained after the end of the technical assistance project and, preferably, that will encourage continued development of the offices receiving assistance even after that assistance terminates. Numerous elements of this training plan reflect this decision: the selection of a local and cost-effective program for English-language training, which employees could continue on their own; the choice to provide in-country training for a larger number of employees rather than participant training for only a few; organization of programs which can be directed by the participants rather than by the Project; and the development of re-usable training materials. An essential element of this plan will be the development of a corps of individuals who can direct further training, either with the assistance of the Project or independently.

Training in substantive areas of industrial property will largely be conducted by Project staff and ex-patriate consultants. Directors of various training courses will be asked to identify individuals who appear to be particularly interested and apt in their mastery of the principles being taught. Input will also be sought from the management of the industrial property offices and from other sources. From this information, the Project will undertake to provide assistance to enable the emergence of a corps of trainers within each industrial property office. With the approval of those offices, additional training opportunities will be made available to such persons. These training opportunities may take the form of nomination for participation in specific training courses or the opportunity to work closely with Project staff (including expatriate consultants) on specific topics related to their duties or duties they appear likely to assume.